

REMARKS

On September 20, 2007, Applicant received a notification of non-compliant appeal brief from patent appeals specialist Reginald Tyson. In a phone conversation following the notification of non-compliant appeal brief, Specialist Tyson explained how to respond, and Applicant completed and filed a response on October 17, 2007.

A notification of non-compliant appeal brief was sent on November 5, 2007. A phone interview with patent appeal center specialist Lorenda Hood established that in reference to item 4, claim 39 was properly referenced on page 7. An amendment to the appeal brief was been made to refer to the specification by page and line number for claim 49. Based on this same interview, in reference to item 6, each ground of rejection was argued under its own heading. These headings were listed on page 9, and found on page 9 (response to issue 1), 22 (response to issue 2), and 24 (response to issue 3). These headings are now found on pages 11, 23, and 26, respectively. Applicant filed this response on December 5, 2007.

On March 10, 2008 Applicant received an office communication from Examiner Ed Swinehart stating that the response of December 5, 2007 was insufficient. On March 12, 2008, the Applicant's Agent called Examiner Swinehart, who was not available at that time. On March 12, 2008 at 10:30 a.m. (Pacific time), Applicant's Agent contacted Specialist Tyson who reviewed the case file and determined that the appeal is "compliant at this point." Specialist Tyson stated that he would "put this in the system" and that the Applicant should contact Examiner Swinehart to inform him of this action. Therefore, it is understood that no further action is required on our behalf as the appeal brief as previously submitted is in proper order.

If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

Signed at Bellingham, County of Whatcom, State of Washington this March 12, 2008.

Respectfully submitted,
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